IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No. 920 of 2006

Shri Baba Dhondiba Shinde
(Dukare) ..Petitioner

vs.

Jayshree Shivaji Shinde ..Respondent

Shri B.A.Walimbe i/b Shri R.V.More for petitioner.
Shri M.A.Utagikar for respondent.

CORAM: S.B.MHASE J.
13th April, 2006

P.C.

1. Heard the learned Counsel for the parties.

2. The application under Order VI Rule 17 was filed. It was rejected by order dated 1st August, 2005 by lII Joint Civil Judge, Jr.Dn., Pandharpur. Therefore, the petitioner approached this Court. Now, during the pendency of this petition, main suit namely Reg.Civil Suit No.357 of 2002 is dismissed for default by the Trial Court. Under these circumstances, the petition does not survive and, therefore, the learned Counsel for the petitioner states that the petition be allowed to be withdrawn with liberty to file such petition in case main suit is restored by the Trial Court. Leave granted. Petition is allowed to be withdrawn with liberty as prayed for.

(S.B.MHASE J.)